

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No: 09/994,335  
Applicant: Junji Nagaoka et al.  
Filed: November 26, 2001  
Title: OPTICAL DISK APPARATUS, METHOD FOR CALCULATION OF  
AMOUNT OF LENS SHIFT, PROGRAM AND MEDIUM  
TC/A.U.: 2655  
Examiner: J. L. Ortiz Criado  
Confirmation: 7419  
Docket No.: MTS-3288US

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**RESPONSE TO RESTRICTION REQUIREMENT**

***Mail Stop Amendment***

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated **June 9, 2004**, takes the position that the claims are directed to patentably distinct species of the claimed invention:

- a. Figure 1
- b. Figure 5
- c. Figure 8

The Restriction Requirement also states that claim 1 is a generic claim.

In response to the Restriction Requirement, Applicants elect Species (a) directed to Figure 1, which includes claims 1-5 and 9-16. Applicants agree that claim 1 is a generic claim.

Applicants, however, traverse the Restriction Requirement. Claims 6 and 7 correspond to Species (b) of Figure 5, and claim 8 corresponds to Species (c) of Figure 8. But claims 6-8 of Species (b) and (c) are indirectly dependent on claim 1. In view of this dependency, all pending claims (claims 1-16) should be presently examined, and the Restriction Requirement withdrawn.

Early examination and allowance of all pending claims are respectfully requested.

Respectfully submitted,

*Daniel N. Calder*

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DNC/fp

Dated: July 2, 2004

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2655 41

PTO/SB/21 (AW)(03-03)

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Total Number of Pages In This Submission 2

Application Number	09/994,335
Filing Date	November 26, 2001
First Named Inventor	Junji Nagaoka et al.
Art Unit	2655
Examiner Name	J. L. Ortiz Criado
Attorney Docket No.	MTS-3288US

### ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/  
Incomplete Application
  - ☐ Response to Missing Parts under  
37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
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- ☐ After Allowance Communication  
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of Appeals and Interferences
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(Appeal Notice, Brief, Reply  
Brief)
  - ☐ Proprietary Information
  - ☐ Status Letter
  - ☒ Other Enclosure(s) (please  
identify below):
- Return Postcard; Response to  
Restriction Requirement**

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### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual	Daniel N. Calder	Registration No. (Attorney/Agent)	27,424
Signature	<i>Daniel N. Calder</i>		
Date	July 2, 2004		

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